

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ST. PAUL MERCURY INS. CO. : CIVIL ACTION  
:   
v. :   
:   
PHILADELPHIA HOUS. AUTH. : NO. 02-3511

ORDER

\_\_\_\_AND NOW, this 22nd day of October, 2002, after a conference on October 21, 2002, in which counsel for all parties were heard, it is hereby **ORDERED** that:

1. Discovery shall be completed by **JANUARY 22, 2003.**

2. Pretrial memoranda in accordance with Fed. R. Civ. P. 26 as amended, Local Rule 16.1(c), and the rules of this judge as stated in the Handbook of Pre-Trial and Trial Practices and Procedures of the United States District Court for the Eastern District of Pennsylvania (available from the Clerk of Court or the Philadelphia Bar Association) shall be filed jointly on or before **MARCH 24, 2002.**

Thirty days prior thereto, plaintiff shall propose stipulated facts. Ten days thereafter, defendant shall state agreement or disagreement with each of plaintiff's proposed stipulated facts and may counter-propose stipulated facts to which plaintiff is obligated to respond ten days thereafter. Stipulated facts shall be incorporated into the joint final pretrial memorandum.

Exhibits of each party shall be submitted to chambers with the final pretrial memorandum. In accordance with Fed. R. Civ. P. 26(a)(3), listed exhibits shall be numbered and **premarked** for use at trial; no exhibit shall be listed unless it is already in the possession of both counsel. **Only listed exhibits may be used in the party's case-in-chief** except by leave of court.

As to documents listed in accordance with Fed. R. Evid. 803(6), as amended, notice in accordance with Fed. R. Evid. 902 (11) or (12) must be given no later than two weeks prior to the date the final pretrial memorandum is due.

All witnesses as to liability and damages should be listed for each party. Only listed witnesses may testify at trial except by leave of court. Any party who intends to use deposition testimony at trial must submit deposition

designations, counter-designations and objections in the final pretrial memorandum.

If it is believed that any additional discovery is necessary, it must be specifically requested, with the justification stated, in the pretrial memorandum.

Any other pretrial or trial matter requiring attention of the judge prior to trial, including but not limited to subjects for consideration at pretrial conferences listed in Fed. R. Civ. P. 16(c)(1-16), shall be specifically addressed in the final pretrial memorandum.

**Any motions for summary judgment or other pretrial motions must be filed on or before the due date of the moving party's pretrial memorandum;** an answer to any such motion must be filed within the time provided by the Rules of Civil Procedure. No reply is contemplated. Oral argument on any such motions will be heard at the final pretrial conference.

3. Expert reports in accordance with Federal Rule of Civil Procedure 26(a)(2) shall be due for both parties **on or before the date of the joint final pre-trial memorandum.** If the opposing party wishes to depose the expert, the deposition shall be taken on or before the pretrial conference, unless earlier ordered by the court. An expert's testimony at trial shall be limited to the information provided by the due date of the final pretrial memorandum.

4. The final pretrial conference is scheduled for **APRIL 14, 2003** at **3:00 p.m.** Trial counsel must attend. It is the responsibility of any trial counsel who cannot attend to contact the court as soon as any conflict becomes known so the court may consider rescheduling the conference. **Unless the court has otherwise granted permission, whoever attends the final pretrial conference will try the action.**

In addition to each trial counsel, a representative of each plaintiff and defendant with **full authority** to settle the case shall attend. Telephone availability is not acceptable unless leave of court has been granted. Failure to comply with this order may result in SANCTIONS in accordance with the Federal Rules of Civil Procedure.

A settlement conference with Magistrate Judge M. Faith Angell will be arranged; the parties will be contacted by the chambers of Judge Angell.

5. This case will be placed in the jury trial pool on **APRIL 15, 2003**, subject to call on 48 hours notice in accordance with the standing rule of this court as published in The Legal Intelligencer. **On or before the date of trial, the parties shall submit points for charge and may submit proposed voir dire questions or jury interrogatories, preferably on a computer disk.**

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S.J.